Patent Application No. 09/766,811

REMARKS

This Amendment is in response to the Office Action dated March 15, 2004. In the Office Action, claims 1-5 were rejected under 35 USC §112 and §103. Claim 1 was also rejected under 35 USC §101. By this Amendment, claim 1 is amended and claims 6-12 are added. Currently pending claims 1-12 are believed allowable, with claims 1 and 6 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 1-5 were rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. By this Amendment, those portions of claim 1 identified by the Examiner as indefinite or lacking antecedent basis are corrected to overcome the §112 rejections.

CLAIM REJECTIONS UNDER 35 USC §101:

Claim 1 stands rejected under 35 USC §101 as lacking patentable subject matter. By this Amendment, the software deployment tool, first method and second method are recited to be "stored on a computer readable storage medium." It is believe that the §101 rejection is overcome since claim 1 specifies a hardware-implemented invention.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1-5 were rejected under 35 USC §103 as obvious over U.S. Patent No. 5,845,090 to Collins, III et al. (hereinafter "Collins") in view of U.S. Patent No. 6,505,228 to Schoening et al. (hereinafter "Schoening") and SmartUpdate, "SmartUpdate Developer's Guide", http://developer.netscape.com/docs/manuals/communicator/jarman/install. htm (hereinafter "SmartUpdate").

Claim 1 of the pending Application recites, in part, "a plurality of classes, each class corresponding to a respective type of action wherein the software package comprises a hierarchical structure of leaf and branch nodes capable of being traversed in a top-down manner and each leaf node corresponding to said respective type of action."

- 5 -

Support for this amendment can be found at least at page 7, lines 6-11 and Fig. 2. It is respectfully submitted that the cited references, when viewed alone or in combination, do not teach or suggest the above claim limitation. Thus, claim 1 is believed allowable for at least this reason.

Claims 2-5 are dependent on and further limit claim 1. Since claim 1 is allowable, claims 2-5 are also believed allowable for at least the same reasons as claim 1.

NEW CLAIMS:

New independent claim 6 is added by this Amendment. No new matter is believed to be introduced by claim 6. Specifically, claim 6 recites a system for deploying software over a computer network that includes a software package, a management agent, and a target endpoint. See Application, page 3, lines 1-6, page 6, lines 26-27, page 7, lines 6-8 and Fig. 2. Claim 6 recites, in part, "wherein the software package includes a hierarchical structure of leaf and branch nodes capable of being traversed from parent to child in a top-down manner." It is respectfully submitted that the cited references, when viewed alone or in combination, do not teach or suggest this claim limitation. Thus, claim 6 is believed allowable for at least this reason.

Claim 7 recites, in part, "wherein the software package engine is further configured to decode the software package file." See Application, page 7, lines 22-23. Claims 7 is dependent on and further limits claim 6. Since claim 6 is allowable, claim 7 is also believed allowable for at least the same reasons as claim 6.

Claim 8 recites, in part, "a package editor configured to graphically define the software package." See Application, page 11, lines 23-25. Claim 8 is dependent on and further limits claim 6. Since claim 6 is allowable, claim 8 is also believed allowable for at least the same reasons as claim 6.

Claim 9 recites, in part, "wherein the hierarchical structure of the software package is serialized." See Application, page 12, lines 15-16, page 17, lines 1-2, and Figs. 9a and 9b. Claim 9 is dependent

- 6 -

on and further limits claim 6. Since claim 6 is allowable, claim 9 is also believed allowable for at least the same reasons as claim 6.

Claim 10 recites, in part, "wherein the software package is represented by a sequence of stanzas, with each stanza representing an action." See Application, page 17, lines 21-22. Claim 10 is dependent on and further limits claim 6. Since claim 6 is allowable, claim 10 is also believed allowable for at least the same reasons as claim 6.

Claim 11 recites, in part, "wherein the stanzas can are nested such that stanzas containing other stanzas represent a container action." See Application, page 17, lines 22-24. Claim 11 is dependent on and further limits claim 10. Since claim 10 is allowable, claim 11 is also believed allowable for at least the same reasons as claim 10.

Claim 12 recites, in part, "a preparation and test site configured to transform the software package from one format to another." See Application, page 19, lines 2-4. Claim 12 is dependent on and further limits claim 6. Since claim 6 is allowable, claim 12 is also believed allowable for at least the same reasons as claim 6.

- 7 -

.Patent Application No. 09/766,811

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: June 1, 2004

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- 8 -